

**DECLARATION AND POWER OF ATTORNEY- USA PATENT APPLICATION**

As a below named inventor, I hereby each declare that:

My residence address and citizenship are as stated below next to my name;

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled **EXPRESSION AND PURIFICATION OF ATM PROTEIN USING VACCINIA VIRUS**; the specification of which was filed on **January 8, 2002** as Application Serial No. **10/042,775**.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above;

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56;

POWER OF ATTORNEY: I hereby appoint the registrants of Knobbe, Martens, Olson & Bear, LLP, 620 Newport Center Drive, Sixteenth Floor, Newport Beach, California 92660, Telephone (949) 760-0404, **Customer No. 20,995**.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: **Richard A. Gatti, M.D.**

Inventor's signature _____

Date _____

Residence: 3835 Longridge Avenue,
Sherman Oaks, California 91423

Citizenship: United States

Full name of Second inventor: **Helen H. Chun**

Residence: 20670 Clarendon Street, Woodland Hills, CA 91367

Citizenship: United States

Full name of Third inventor: **David J. Rawlings**

Residence: 1429 E. Valley Street Seattle, WA 98112

Citizenship: United States

Send Correspondence To:

KNOBBE, MARTENS, OLSON & BEAR, LLP

550 West C Street

Suite 1200

San Diego, CA 92101

Attention: Ginger Dreger

Customer No. 20,995

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Date 5/27/03

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Seattle, WA 98112

Citizenship: United States

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Date 6/25/02

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KNOBBE, MARTENS, OLSON & BEAR, LLP
550 West C Street
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Attention: Ginger Dreger
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Application No.: 10 042,775
Filing Date: January 8, 2002

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PATENT
Patent Code: UC081.001A
Page 1

ASSIGNMENT

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WHEREAS, We, Richard A. Gatti, a United States citizen, residing at 3835 Longridge Avenue, Sherman Oaks, California 91423, Helen H. Chun, a United States citizen, residing at 20670 Clarendon Street, Woodland Hills, California 91367, David J. Rawlings, a United States citizen, residing at 1429 E. Valley Street, Seattle, Washington 98112, have invented certain new and useful improvements in a **EXPRESSION AND PURIFICATION OF ATM PROTEIN USING VACCINIA VIRUS** for which we have filed an application for Letters Patent in the United States, Application No. 10 042,775, Filing Date: January 8, 2002;

AND WHEREAS, The Regents of the University of California (hereinafter "ASSIGNEE"), a California Corporation, with its principal place of business at OFFICE OF TECHNOLOGY TRANSFER, Office of the President, 1111 Franklin Street, Fifth Floor, Oakland, CA 94607, desires to acquire the entire right, title, and interest in and to the said improvements and the said Application:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to me in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, we, the said inventors, do hereby acknowledge that we have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, successors, legal representatives and assigns, the entire right, title, and interest throughout the world in, to and under the said improvements, and the said application and all provisional applications relating thereto, and all divisions, renewals and continuations thereof, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all rights of priority under International Conventions and applications for Letters Patent which may hereafter be filed for said improvements in any country or countries foreign to the United States, and all Letters Patent which may be granted for said improvements in any country or countries foreign to the United States and all extensions, renewals and reissues thereof; and we hereby authorize and request the Commissioner of Patents of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for said improvements to the said ASSIGNEE, successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant and agree that we will communicate to the said ASSIGNEE, successors, legal representatives and assigns, any facts known to us respecting said improvements, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid the said ASSIGNEE, successors, legal representatives and assigns, to obtain and enforce proper patent protection for said improvements in all countries.

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 18 day of June, 2002

R.A. Gatti

First Inventor, Richard A. Gatti

STATE OF

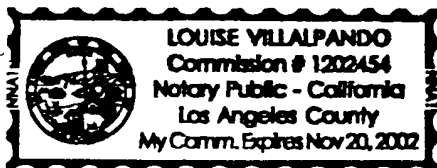
SS.

COUNTY OF

On 6-18-02, before me, Louise Villalpando, Notary Public personally appeared Richard A. Gatti, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is are subscribed to the within instrument, and acknowledged to me that executed the same in authorized capacity(ies), and that by signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]



Louise Villalpando
Notary Signature

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 18th day of June, 2002

Helen H. Chun
Second Inventor, Helen H. Chun

STATE OF

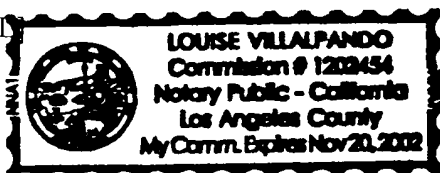
SS.

COUNTY OF

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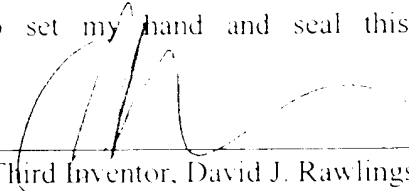
WITNESS my hand and official seal.

[SEAL]



Louise Villalpando
Notary Signature

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 26th day of June, 2002


Third Inventor, David J. Rawlings

STATE OF WA

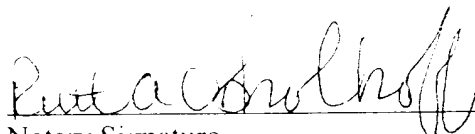
ss.

COUNTY OF King

On 6-16-02, before me, Ruth A. Osrolovsky, personally appeared David J. Rawlings, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]


Notary Signature

Commission expires 10-18-04

